



COVID-19 RESOURCES FOR MUNICIPALITIES



Delaware

Local Government Legal Support for
American Rescue Plan Coronavirus State
and Local Fiscal Recovery Fund

September 22, 2021

Experience and Qualifications

Barnes & Thornburg provides its clients with access to a national firm with a longstanding municipal finance and legal practice. Our attorneys advise on the full range of regulatory and administrative and government finance matters by serving as diligent advisers and effectual problem solvers. We have advised more than 600 local government clients on any number of matters – including access to public records requests, municipal finance and debt, procurement, general counsel services, utility matters, community corrections matters, and economic development projects.

In addition, our firm serves as bond counsel for underwriters, issuers, borrowers, credit providers, trustees, and investors in a range of government financings. We have also represented our local government clients in Internal Revenue Service audits of tax-exempt bond issues and securities law matters with the Securities and Exchange Commission.

American Rescue Plan Coronavirus State and Local Fiscal Recovery Funds Experience

Importantly, we are currently advising clients on all aspects of the American Rescue Plan Act (ARPA) funds, including permissible uses, potential projects, and Treasury updates. Examples include:

- We represent one of the largest counties in Indiana, which is scheduled to receive just over \$16 million in ARPA funds over the next two years. Through our review, guidance, and collaboration with the county, we have successfully initiated HVAC/ventilation improvements at the county highway building, government center, and county courthouse, a cleaning unit for the county jail to mitigate the spread of COVID-19 in detained populations, and a large grant fund for small businesses, addiction, and mental health services.
- We also represent municipalities that are scheduled to receive significantly fewer federal dollars under ARPA. One municipality in particular wanted to examine ways to impact better health outcomes, grant funding for housing, and job assistance training. Our team worked through these options and goals with local elected officials, and developed a comprehensive ARPA plan that addresses projects to impact each of these categories and maximizes the city's almost \$3.5 million in funds.
- Our team was selected to advise one of the largest counties in the State of New York, which is scheduled to receive over \$385 million in ARPA funds over the next two years. We have been hired to coordinate all aspects of administering federal funds on behalf of the county, including compliance and audit services, development of grant programs, review of COVID-19 projects, premium pay matters, and reviewing large scale water and broadband infrastructure projects.

Our team works with governmental agencies to evaluate potential projects and unique opportunities that fit the specific community. The guidance from the Treasury is broad and changing, but it also has clear guidelines for eligible expenditures. The relationships we develop with local units of government put us in the role of trusted legal advisor, and we understand that the commitments and use of these funds will impact generations.

We understand that individual communities have different priorities. One key aspect of our work is the development and understanding of what priorities are important to each community. ARPA funds can be used for many different types of projects and assistance – from grant programs for small businesses and non-profits to water/sewer infrastructure and broadband development.

Similar Legislation Experience

Throughout the pandemic, we have represented local units of government – cities, counties, and towns – advising on matters concerning the treatment of executive orders through purchasing of PPE and other supplies. Our experience includes working with the Indiana Finance Authority (IFA), a quasi-state agency, to set up a program to administer CARES Act dollars to local units. This program, similar in ways to other states but also unique to Indiana, was set up to be a reimbursement-style program. Our team reviewed

the initial CARES Act guidance from the Treasury and advised local units on permissible expenditures. We then worked with the IFA and local governments to get projects and expenditures approved, submitted the appropriate paperwork for reimbursement, and ensured that our clients maintained appropriate records for future audits.

Proposed Team



[Thomas McGonigle](#)

Tom will serve as the team lead and be the primary point of contact for delegating work. He will handle the evaluation of projects and initiatives and assess those opportunities in light of changing Treasury guidance.

In a career that spans more than two decades, Thomas has distinguished himself as an adept and formidable commercial litigator for administrative law matters and an attorney that public entities in Delaware trust to provide targeted leadership and strategic guidance on high-profile initiatives.



[Veronica J. Schilb](#)

Veronica will be the primary day-to-day contact for local units of government. She has developed an unmatched knowledge base within the guidance and various categories of eligible expenditures. She has assisted clients in navigating projects to address health disparities within different socioeconomic groups, various water and sewer infrastructure projects, the development and implementation of broadband projects, county and municipal infrastructure projects to address the negative impacts of COVID-19, and the establishment of grant programs to assist small businesses and non-profits.



[Jacob A. German](#)

Jacob focuses his legal practice on state government services and municipal funding matters for counties, cities, and towns. His duties for local government clients range from general counsel services for the county government to economic development strategy for redevelopment commissions. Jacob also structures municipal bond deals for government entities. Jacob represents clients in a number of issues before the executive branch in Indiana. Focusing on government contracts and executive branch procurement, Jacob represents such clients in a wide array of Indiana contract matters, including those with the Department of Correction, the Department of Child Services, the Department of Revenue, the Department of Natural Resources, and the Department of Transportation.



[Sawyer M. Traver](#)

Sawyer will provide associate level support. A conscientious practitioner, Sawyer handles a range of real estate and development activities and has work with state and local government entities in Delaware.



Dustin W. Meeks

Dustin will handle a significant amount of the day-to-day research and review. He brings an extensive background in the municipal finance space, including the development of projects using ARPA funds.



Whitney Potts

Whitney will provide paralegal support. Whitney offers extensive project management experience and attention to detail as a real estate paralegal, assisting with a wide range of commercial and residential real estate transactions and land use matters. Her work ethic, organization and collaborative nature are important to her clients as she provides insight on real estate-related matters.